

UNITED STATES DISTRICT COURT
DISTRICT OF MAINE

U.S. Bank Trust, N.A., as Trustee for LSF10
Master Participation Trust

Plaintiff

vs.

John S. Baldwin

Defendant

CIVIL ACTION NO: 2:18-cv-00440-LEW
RE:

64 Haskell Road, North Yarmouth, ME
04097

Mortgage:
January 18, 2008
Book 25772, Page 32

CONSENT JUDGMENT OF FORECLOSURE AND SALE

This matter came before the Court for a testimonial hearing on Plaintiff's Motion for Default Judgment on January 29, 2019. Plaintiff, U.S. Bank Trust, N.A., as Trustee for LSF10 Master Participation Trust, was present and represented by John A. Doonan, Esq. Defendant John S. Baldwin appeared.

All persons interested having been duly notified in accordance with the law, and after hearing, the Plaintiff's Motion for Default Judgment is GRANTED. Count II – Breach of Note, Count III – Breach of Contract, Money Had and Received, Count IV – Quantum Meruit, and Count V – Unjust Enrichment, are hereby **DISMISSED** without prejudice at the request of the Plaintiff. **JUDGMENT** on Count I – Foreclosure, is hereby **ENTERED** as follows:

1. If the Defendant or his/her heirs or assigns pays U.S. Bank Trust, N.A., as Trustee for LSF10 Master Participation Trust ("U.S. Bank") the amount adjudged due and owing Three Hundred Fifty-Three Thousand One Hundred Twelve and 55/100 (\$353,112.55) Dollars.

Description	Amount
Principal Balance:	\$281,762.03
Escrow Balance:	\$3,725.95
Total Interest:	\$9,446.55
Defer Principle:	\$58,178.02
Total Due:	\$353,112.55

within 90 days of the date of the Judgment, as that time period is calculated in accordance with 14 M.R.S.A. § 6322, U.S. Bank shall forthwith discharge the Mortgage and file a dismissal of this action on the ECF Docket.

2. If the Defendant or his/her heirs or assigns does not pay U.S. Bank the amount adjudged due and owing (\$353,112.55) within 90 days of the Judgment, as that time period is calculated in accordance with 14 M.R.S.A. § 6322, his/her remaining rights to possession of the North Yarmouth Property shall terminate, U.S. Bank shall conduct a public sale of the North Yarmouth Property in accordance with 14 M.R.S.A. § 6323, disbursing the proceeds first to itself in the amount of \$353,112.55 after deducting the expenses of the sale, with any surplus to the Defendants, or their heirs or assigns, in accordance with 14 M.R.S.A. § 6324. U.S. Bank may not seek a deficiency judgment against the Defendants pursuant to the Defendants' discharge in bankruptcy.
3. Pursuant to 14 M.R.S.A. § 2401(3)(F), the Clerk shall sign a certification after the appeal period has expired, certifying that the applicable period has expired without action or that the final judgment has been entered following appeal.
4. The amount due and owing is \$353,112.55.
5. U.S. Bank Trust, N.A., as Trustee for LSF10 Master Participation Trust has first priority, in the amount of \$353,112.55, pursuant to the subject Note and Mortgage and there are no parties in interest other than the Defendants, who have second priority.
6. No public utility easements survive the foreclosure.
7. The prejudgment interest rate is 3.37500%, *see* 14 M.R.S.A. § 1602-B, and the post-judgment interest rate is 8.59%, *see* 14 M.R.S.A. § 1602-C.
8. The following information is included in this Judgment pursuant to 14 M.R.S.A. § 2401(3):

	PARTIES	COUNSEL
PLAINTIFF	U.S. Bank Trust, N.A., as Trustee for LSF10 Master Participation Trust	John A. Doonan, Esq. Reneau J. Longoria, Esq. Doonan, Graves & Longoria, LLC 100 Cummings Center Suite 225D Beverly, MA 01915
DEFENDANT	John S. Baldwin 64 Haskell Road North Yarmouth, ME 04097	Pro Se

- a) The docket number of this case Consent is No. 2:18-cv-00440-LEW.
- b) The Defendants, the only parties to these proceedings besides U.S. Bank, received notice of the proceedings in accordance with the applicable provisions of the Federal Rules of Civil Procedure.
- c) A description of the real estate involved, 64 Haskell Road, North Yarmouth, ME 04097, is set forth in Exhibit A to the Judgment herein.
- d) The street address of the real estate involved is 64 Haskell Road, North Yarmouth, ME 04097. The Mortgage was executed by the Defendant on January 18, 2008. The book and page number of the Mortgage in the Cumberland County Registry of Deeds is Book 25772, Page 32.
- e) Plaintiff specifically agrees to waive any deficiency which may be associated with this loan.
- f) Judgment to enter in 30 days, on March 1, 2019.

SO ORDERED.

/s/Lance E. Walker
 LANCE E. WALKER
 U.S. DISTRICT JUDGE

Dated this 1st day of March, 2019.

